

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:09-CR-00158-F-5

No. 5:16-CV-00405-F

BRIAN KEITH LUCAS,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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ORDER

This matter is before the court on Brian Keith Lucas' Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-309, -315] and Memorandum in Support [DE-326]. Having examined Lucas' motion and memorandum pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing Section 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 motion, within **forty (40)** days of the filing of this order.

Lucas asserts a challenge based on *Johnson v. United States*, 135 S. Ct. 2551 (2015). The Office of the Federal Public Defender was appointed to represent Lucas, pursuant to Standing Order No. 15-SO-2 (E.D.N.C. Oct. 16, 2015), but has been allowed to withdraw.

SO ORDERED.

This 26 day of July, 2016.



JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE